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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

BGC PARTNERS, INC., et al.,

Plaintiffs,

vs.

AVISON YOUNG (CANADA) INC., et al.,

Defendants.

Case No. 2:15-cv-00531-RFB-GWF

STIPULATION FOR FILING OF FIRST AMENDED COMPLAINT AND SETTING BRIEFING SCHEDULE

Plaintiffs BCG Partners, Inc., BGC Real Estate of Nevada, LLC, and G&E Acquisition Company, LLC (together, “Plaintiffs” or “BGC”), Defendants Avison Young (Canada) Inc., Avison Young (USA) Inc., Avison Young Nevada, LLC, Mark Rose and Joseph Kupiec (“AY Defendants”), and Defendants The Nevada Commercial Group and John Pinjuv (“NCG Defendants”), by and through their respective counsel of record, hereby stipulate and agree to the following and request that the Court enter an appropriate order concerning the filing of a First Amended Complaint and setting a briefing schedule on any motions to dismiss that may be filed:

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1 1. On March 23, 2015, the AY Defendants removed the case to this Court. The NCG
2 Defendants consented to the removal.

3 2. On April 20, 2015, Plaintiffs filed their Motion to Remand or Abstain (Dkt. 11, the
4 “Motion to Remand”).

5 3. The Court held oral argument on the Motion to Remand on March 29, 2016, and
6 denied the Motion to Remand in a minute order dated March 31, 2016. The minute order
7 indicated that a written order would follow.

8 4. On May 31, 2016, the AY Defendants filed a Motion to Dismiss (Dkt. 48). The
9 NCG Defendants joined in that Motion (Dkt. 50) (together, “Defendants’ Motion to Dismiss”).

10 5. On July 7, 2016, the Court issued a written opinion and order denying the Motion
11 to Remand (Dkt. 59).

12 6. Plaintiffs have requested that the AY Defendants and NCG Defendants (together,
13 “Defendants”) consent to Plaintiffs’ filing of a First Amended Complaint.

14 7. In light of the fact that Plaintiffs’ proposed amendments will affect the
15 Defendants’ pending Motion to Dismiss, the parties have conferred and agree, and respectfully
16 request that the Court (i) grant Plaintiffs’ leave to amend their complaint; (ii) dismiss Defendants’
17 pending Motion to Dismiss as moot; and (iii) set the following deadlines:

18 a. The deadline for Defendants to answer, move or otherwise respond to the First
19 Amended Complaint shall be sixty (60) days from the Court’s entry of this
20 Stipulation and Order;

21 b. The deadline for Plaintiffs to file an opposition to any responsive motion shall be
22 (60) days after Defendants file any such motion; and

23 c. The deadline for Defendants to file a reply to Plaintiffs’ opposition shall be thirty
24 (30) days after the opposition is filed.

25 8. In light of the foregoing stipulations and proposed revised briefing schedule, and
26 pursuant to Federal Rule of Civil Procedure 15(a)(2), Defendants consent to Plaintiffs’ filing of a
27 First Amended Complaint, attached hereto as Exhibit 1.

28

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9. The parties have represented that this lawsuit is one of five related lawsuits pending in various state court jurisdictions throughout the United States. The parties anticipate that the related lawsuits will require complex and coordinated discovery. Therefore, in order to determine the causes of action upon which this lawsuit and the related lawsuits will be litigated, the parties respectfully request that discovery and other pre-trial matters be stayed to allow sufficient time for an orderly motions practice prior to entry of a more comprehensive scheduling order.

10. Upon receipt of this Court's Order on the above-described motions, the parties shall engage in good-faith discussions and timely submit a proposed scheduling order concerning all pre-trial matters in this lawsuit.

STIPULATED AND AGREED TO:

DATED this 1st day of August, 2016

DATED this 1st day of August, 2016

By: /s/ Todd L. Bice

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1 DATED this 1st day of August, 2016

2
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10 *Attorneys for The Nevada Commercial Group*
11 *and John Pinjuv*

12 **ORDER**

13 Having reviewed the foregoing Stipulation for Filing of First Amended Complaint and
14 Setting Briefing Schedule and finding good cause appearing,

15 It is hereby ORDERED, ADJUDGED, AND DECREED that:

16 Plaintiffs' request for leave to amend the complaint is GRANTED;

17 Defendants' Motion to Dismiss (Dkt. 48) is DISMISSED AS MOOT;

18 The deadlines agreed to by the parties as set forth above are ADOPTED; and

19 All other pre-trial matters, including discovery, shall be STAYED until receipt of this
20 Court's Order on the above-described motions, at which time the parties shall engage in good-
21 faith and timely submit a proposed scheduling order concerning all pre-trial matters.

22
23 IT IS SO ORDERED.

24 
25 _____
26 RICHARD F. BOULWARE, II
27 United States District Judge

28 DATED: August 8, 2016